APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/467,240	12/20/1999	KENNETH C. PILECEK	PILECEK-1	2117

7590	02/22/2006

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EXAMINER
TRAN, PHUC H

ART UNIT	PAPER NUMBER
2668	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 November 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-269</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-269</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2.   Claims 1-269 are rejected under 35 U.S.C. 102(e) as being anticipated by

Henderson et al. (U.S. Patent No. 6327363 B1).

    * Note: The claim limitations 87-269 that employ phrases of the type "adapted to" are
typical of claim limitations, which may not distinguish over the prior art. The limitations after
the "adapted to" performing a function is not a (consider) positive limitation but only requires the
ability to so perform.

    - With respect to claims 1, 6, 31, 35-46, 63, 71-74, 77-80 and 82-86, Henderson

teaches a method for linking at least one client (202) with at least one expert (e.g.

agents in Fig. 2) comprising:

generating at least one concept based on at least one client inquiry to at least one datasource (722 and 734 in Fig. 7B);

comparing the at least one generated concept to at least one expert datasource (col. 11, lines 54-56);

selecting at least one expert from the at least one expert datasource based on the comparison of the generated concept to the at least one expert datasource (col. 11, lines 57-64); and

linking the at least one expert to at least one client (col. 21, lines 61-63).

- With respect claim 2, Henderson further comprises comparing the at least one client inquiry to the at least one datasource (col. 3, lines 30-35).

- With respect to claims 3 and 7, Henderson teaches selecting at least one preferred communication mode associated with the at least one expert (e.g. the calling from customer).

- With respect to claim 4, Henderson also teaches selecting the at least one expert based on a set of availability rules (e.g. ACD 736 in Fig. 7B).

- With respect to claim 5, Henderson discloses wherein the availability rules comprise rules selected from the group consisting of a most currently available expert, a most easily reachable expert, cost and location (e.g. ADC and vendor's expense).

- With respect to claims 8 and 19, Henderson discloses wherein the at least one client device comprises a computer terminal (Fig. 1).

- With respect to claims 9-10, 20-21, & 67, Henderson discloses wherein the at least one client device comprises a wireless device (col. 7, line 41).

- With respect to claims 11 & 22, Henderson discloses wherein the wireless

device comprises an optical signaling, wireless device (col. 7, line 41).

- With respect to claims 12 & 23, Henderson also teaches wherein the at least

one client device comprises a telephone (202 in Fig. 2).

- With respect to claims 13 & 24, Henderson teaches wherein the at least one

client device comprises a softphone (Fig. 1).

- With respect to claims 14 & 25, Henderson teaches wherein the at least one

client device comprises a facsimile machine (Fig. 1).

- With respect to claims 15 & 26, Henderson teaches wherein the at least one

client device comprises a facsimile server (Fig. 1).

- With respect to claims 16 & 27, Henderson disclose wherein the at least one

client device comprises a programmable PC card (Fig. 1).

- With respect to claims 17-18 & 28-29, Henderson further teaches wherein the at

least one client device comprises a personal communications device (Fig. 1).

- With respect to claim 30, Henderson teaches wherein generating the at least

one client concept comprises parallel processing (e.g. Fig. 2 shows multiple users are

processed).

- With respect to claim 32, Henderson also teaches wherein generating at least

one concept comprises neural network processing (e.g. the language).

- With respect to claims 33 & 34, Henderson further teaches wherein the at least

one datasource comprises structured or/and unstructured data (e.g. the source in Fig. 2

has data and voice).

- With respect to claims 47 & 55, Henderson teaches wherein the telephony protocol comprises a protocol selected from the group consisting of POTS, ISDN, voice over Internet, ATM, frame relay, an analog protocol and a digital protocol (Fig. 1 shows the Internet protocol).

- With respect to claims 48 & 69, Henderson discloses wherein the analog protocol comprises a time domain multiplexed protocol (e.g. the time schedule of customer call).

- With respect to claim 49, Henderson explicitly fails to teach wherein the digital protocol comprises a DCIU protocol, but it is inherently to know that the DCIU can be implement into Henderson's invention for communication between client and server.

- With respect to claim 50, Henderson further comprises linking the at least one client device to the at least one expert device using an electronic mail protocol (e.g. Fig. 6 show fax).

- With respect to claims 51-54, 56-57, 59, 61, 62, 64, 66, & 68, Henderson explicitly fails to teach wherein the electronic mail protocol comprises a protocol selected from the group consisting of SMTP, SMTPNIME, SMTP/PMSP, and SNMP; a protocol determined by an Open Systems Interconnect electronic messaging CCITT X.400/500/700 standard, but it is inherently to know that the electronic mail protocol of Henderson comprise a protocol from above for communication between client and server.

- With respect to claim 58, Henderson further comprises linking the at least one client device to the at least one expert device using a facsimile protocol (Fig. 1).

- With respect to claim 60, Henderson teaches wherein the facsimile protocol comprises an Internet mail protocol (Fig. 1).

- With respect to claim 65, Henderson discloses wherein the data communications protocol comprises a modem protocol (Fig. 1).

- With respect to claims 70, 75-76, & 81, Henderson teaches wherein the at least one datasource and at least one expert datasource are part of the same/different network (Fig. 2).

Response to Arguments

4.   In response to remark filed 11/23/05, Examiner withdrew the restriction requirement on May 11, 2005.

5.   Applicant's arguments filed 11/23/05 have been fully considered but they are not persuasive.

In response to Applicant's argument that Henderson doesn't teach generation of a concept from a client inquiry, nor any comparison of the generated concept to an expert datasource in order to select an expert. Examiner respectfully disagrees. Fig. 7 and specification of Henderson teaches all the limitations. Based on the PIN of customer, the transaction processor determines customer's information in the database and based on the customer input (Fig. 7B) to rout the customer to appropriate service agent. Therefore, Henderson teaches all the limitations in the claims.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to PHUC H TRAN whose telephone number is (571) 272-

3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, RAO SEEMA can be reached on (571) 272-3174. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).
Phuc Tran
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P.t
2/15/06

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PRIMARY EXAMINER